

Applicant : David L. Sherman, et al.
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Attorney's Docket No.: 15826-189001 / II-03-06

REMARKS

In the non-final office action mailed July 7, 2005, the Examiner rejected claims 1-39 and objected to claim 8. A telephonic interview was held on September 6, 2005. In this Amendment in Reply, Applicants amend the specification, amend claims 1-2, 5, 7-10, 12, 14, 17, 25-29, and 35-38, and add new claim 54. Claims 40-53 stand withdrawn. As such, claims 1-39 and 54 are currently pending. Applicants respectfully request the Examiner's reconsideration in view of the amendments and arguments set forth in this response.

INTERVIEW SUMMARY RECORD

Applicants thanks the Examiner for courtesies extended to the Applicants' undersigned representative and Mr. Rippamonti (Reg. No. 39,521) in a telephone interview on September 6, 2005. Although no substantive agreement was reached during that interview, the undersigned appreciated the opportunity to ask questions to clarify the Examiner's understanding with respect to terminology used in Applicants' claim 1.

To address a comment expressed by the Examiner during the interview, Applicants note that the term "process media," as recited in Applicants' claims, finds support in the specification at least at p. 2, ln. 20, and at p. 3, lns. 29-31 (making reference to FIG. 1), for example. Based upon these passages and the disclosure as a whole, as well as references to "medium" in the prior art cited by the Examiner, Applicants respectfully submit that one of ordinary skill in the art would understand from reading Applicants' disclosure what is meant by "process media" as that term is used in Applicants' claims.

AMENDMENTS TO THE SPECIFICATION

Applicants have made minor amendments to the specification to improve grammar and clarity. These amendments do not introduce new matter.

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CLAIM OBJECTIONS

The Examiner objected to claim 8 because of informalities. Applicants have amended claim 8 to provide correct antecedent basis. Applicants respectfully request that the Examiner remove the objection to claim 8.

CLAIM REJECTIONS

The Examiner rejected claims 1-3, 6-10, 12, 25, 32, 34, and 38-39 under 35 U.S.C. 102(b) as being anticipated by Echtler et al. (hereinafter "Echtler"), U.S. Pat. 4,283,954. Of the rejected claims, claims 1, 12, 25, and 38 are independent claims.

Applicants have amended independent claims 1, 12, 25, and 38 to more clearly point out and distinctly claim various aspects of Applicants' invention. As amended, claims 1 and 12 recite a "transducer." Amended claim 25 includes transmitting an "electrical" signal based on the sensed pressure from the pressure sensor to the pressure gauge. Amended claim 38 recites "the transmission conduit being substantially fill-media-free." Applicants submit that these claims, as amended, define patentable subject matter over Echtler because each of these claims recites at least one element not disclosed in Echtler.

For example, the Examiner has already indicated in section 4 of the Office Action that Echtler does not disclose "a transducer ... to transmit an electrical signal" as recited in amended claims 1 and 12, or "transmitting an electrical signal" as recited in claim 25. As another example, the Examiner has also already indicated in section 4 of the Office Action that Echtler does not disclose "the transmission conduits being substantially fill-media-free" as recited in amended claim 38. As such, Applicants respectfully request that the Examiner remove the rejections from amended independent claims 1, 12, 25, and 38.

In addition, Applicants have amended claims 2, 5, 7-10, 12, 14, 25-29, and 35-37, each of which depends, either directly or indirectly, from the amended independent claims, to provide proper antecedent basis or otherwise to conform to their respective independent claims (as amended).

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None of the foregoing amendments to the claims introduce new matter. For example, support for the amendments to claims 1-3, 5, 7-10, and 36-37 can be found in the specification at least, for example, at p. 6, lns. 29-30. For another example, support for the amendments to claims 12, 14, and 25 can be found in the specification at least, for example, at p. 7, lns. 7-9; and FIGS. 3 and 5. For yet another example, support for the amendments to claim 38 can be found in the specification at least, for example, at p. 8, ln. 4.

Dependent claims 2-11, 13-14, 26-37, and 39 incorporate the limitations of their respective base claims. Accordingly, Applicants respectfully request that the Examiner remove the rejections from claims 1-14 and 25-39.

CLAIM REJECTIONS

The Examiner also rejected claims 4, 5, 13, 15, 17-24, 26-31, 33 and 35-37 under 35 U.S.C. 103(a) as being unpatentable over Echtler in view of Martin, U.S. Pat. 5,665,920. As discussed above, claims 4, 5, 13, 26-31, 33 and 35-37 (as amended) depend from claims that are believed to be in form for allowance. Of the rejected claims, claim 15 is an independent claim.

Regarding independent claim 15, Applicants disagree with the Examiner's contention that it would have been obvious to one having ordinary skill in that art at the time the invention was made to provide a cavity being devoid of substance as taught by Martin in the pressure sensing apparatus of Echtler. Applicants submit that the rejection of claim 15 relies on a combination of Echtler and Martin that requires impermissible hindsight based on Applicants' own disclosure.

Echtler discloses a pressure gauge (44) positioned in fluid communication with one end of a conduit (22) which has a diaphragm (30) mounted in its other end. (Abstract.) The conduit (22) is filled with a low melting point metal alloy above the diaphragm for a portion of its length with a fluid in the remaining length. (Abstract; Fig. 1.) Applicants agree with the Examiner that Martin discloses a pressure sensor having a cavity being devoid of fill liquid.

The combination of Echtler and Martin requires hindsight because making the conduit "devoid of fill liquid" as taught by Martin would render Echtler's apparatus inoperable. If the

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conduit were even partially devoid of fill liquid, Echtler's pressure gauge would be incapable of sensing pressure. Accordingly, Echtler teaches away from Martin, and there is a lack of motivation to combine these two references. Applicants respectfully submit that a combination of Echtler with Martin could only be based on impermissible hindsight using the teachings of Applicants' own disclosure. As such, Applicants respectfully request that the Examiner remove the rejection of claim 15 as improper, and remove the rejections of claims 16-24 which depend, either directly or indirectly, from claim 15.

NEW DEPENDENT CLAIM 54

Applicants have added claim 54, which depends from claim 1. This amendment finds support in Applicants' disclosure at least, for example, at p. 6, lns. 17-20; p. 7, lns. 3-9; and FIGS. 3 and 5. Accordingly, claim 54 adds no new matter. Because claim 54 depends from a claim that is believed to be in condition for allowance, as discussed above, Applicants respectfully request that the Examiner allow new claim 54.

CONCLUSIONS

Accordingly, the pending and non-withdrawn independent claims 1-39 and 54 (as amended) each define an invention that is patentable over the cited prior art. As such, Applicants request that the Examiner allow all of these claims. Applicants also request the Examiner rejoin any withdrawn claims to the extent the allowed claims are generic.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 13 Sep. 2005

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